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Candace Havens  
Director

## WORKING SESSION MEMORANDUM

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**DATE:** September 20, 2013

**TO:** Alderman Marcia T. Johnson, Chairman  
Members of the Zoning and Planning Committee

**FROM:** Candace Havens, Director of Planning and Development  
James Freas, Chief Planner, Long-Range Planning 

**RE:** #80-13: THE PLANNING DEPARTMENT requesting update discussions of the zoning reform project

**MEETING DATE:** September 23, 2013

**CC:** Board of Aldermen  
Planning and Development Board  
Donnalyn Kahn, City Solicitor

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Phase 1 of the Zoning Reform project is approaching the point at which staff and our consultant, Code Studio, will be presenting a draft zoning ordinance for review. The original schedule for this phase anticipated a draft ordinance by September but the project has fallen behind schedule, as the complexity of the Phase 1 task has become more apparent. Staff still expects to have a draft ordinance that is ready for review within the next couple months and, in preparation for that, wishes to discuss with the Zoning and Planning Committee, the final review process necessary to complete the project and bring the reformatted Zoning Ordinance forward for adoption by the Board of Aldermen.

### Background

Efforts to reform Newton's Zoning Ordinance began in response to "broad sentiment that Newton's Zoning Ordinance is difficult to understand and administer and sometimes does not result in the best outcomes for the community" as stated in the executive summary of the 2011 Zoning Reform Group report. The Zoning Reform Group identified a two-phase process, with the first phase focused on enhancing the usability of the existing ordinance through reorganization, clarification, illustration, and the use of tables. On April 8, 2013 ZAP approved the Zoning Ordinance Assessment prepared by Code

Studio, which described a proposal to accomplish the goals of Phase 1 and identified specific approaches to the layout, organization, and clarification of the existing ordinance. In June, the Committee had an opportunity to review the outline of the new ordinance showing where various sections of the existing ordinance would go in the reformatted version.

### **Final Review Process**

The final portion of Phase 1 entails six interconnected tasks:

1. **General Overview:** The general overview of the new zoning ordinance is an essential first task in this final part of the Phase 1 zoning reform project. The Zoning Ordinance itself works as one system with different provisions in different sections relating to each other such that how they interconnect is an essential part of the usability of the ordinance. In his final visit to Newton, Lee Einsweiler from Code Studio will make a general overview presentation, focusing on the issues of format, illustration and demonstrating the overall usability of the ordinance without delving too deeply into the details of the changes proposed. As Phase 1 is primarily about the organization of the zoning ordinance rather than the substance, the initial focus of review should be on this macro scale question of whether the draft ordinance presented offers a more usable document.
2. **Detailed Review:** In the course of clarifying and addressing inconsistencies in the existing ordinance there will be proposed language changes, illustrations, and choices between competing standards or interpretations. These changes will be discussed in the detailed review, working with staff over what will likely be many meetings. Staff will organize and present the detailed review in chunks of related areas of the ordinance; in some cases simply presenting a given section or chapter, in other instances bringing together parts of different sections that logically interconnect so that the aspect of the ordinance being reviewed can be examined as a functional whole.
3. **Advisory Group:** The real work of the advisory group begins at the end of the process when we have a draft ordinance to review. As intensive users of the Newton Zoning Ordinance and others with valuable knowledge and experience, the Advisory Group's role will be to participate in both the general overview and the detailed review, taking a first crack at reviewing and commenting on the draft ordinance. The advisory group will not be asked to arrive at a consensus as to whether the ordinance should be adopted or on any particular provision. The task of the advisory group is to offer their comments on what works, doesn't work, or to suggest changes, all within the context of creating a more usable version of the existing ordinance. All Advisory Group meetings are open to the public and will allow time for public comment.
4. **The Zoning and Planning Committee.** The Committee will meet frequently to discuss the new zoning ordinance in this final part of the project, discussing the general overview with Lee Einsweiler and the detailed review with staff. ZAP's role is the critical one of making the final decision on the suitability of the presented draft ordinance. Does it meet the goal of a more

usable ordinance? Are the choices made for illustration or clarification consistent with the intent of the existing ordinance? Are there other changes to be made? The Committee will have the benefit of the Advisory Group's comments and staff recommendations in this deliberative process, but the final decision on the recommendation that will be made to the full Board of Aldermen regarding the product of Phase 1 of zoning reform rests with this Committee.

5. Public Presentation. Community engagement is a core value of the City and the Planning Department staff. While Phase 2 of the zoning reform project will necessarily involve more extensive community engagement activities as it involves substantive changes to the zoning ordinance, it is important as the Phase 1 work concludes to begin to lay the groundwork for Phase 2 and to draw attention to the accomplishment of Phase 1 through a public presentation. Ideally, this presentation would be given during the zoning consultant's last visit. This presentation will highlight the new format and usability of the ordinance, while offering a broader educational piece on the topic of zoning generally.
6. Public Hearing and Board Adoption

### **Timeline**

As of the date of this memo staff has not concluded when the draft zoning ordinance will be available for review. Generally though, the timeline will follow the outline below.

- Draft Zoning Ordinance delivered
- Ordinance posted to the web, distributed to ZAP and the Advisory Group for 2 to 3 weeks of review time
- Final consultant visit (2 days)
  - Advisory Group meeting, early evening
  - ZAP meeting (7:45)
  - Evening public meeting